

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**RASHEEN SCOTT and JACOB WILLIAMS**  
**Individually, and on Behalf of**  
**All Other Persons Similarly Situated,**

**Plaintiffs,**

**-against-**

**SAME DAY DELIVERY INC., ROCCO VINCENT  
D'AMASSANDRO, SCOTT WEINSTEIN,  
STEVE PILAVIN, DUANE READE INC., and  
JOHN DOES # 1-10, Jointly and Severally,**

**Defendants.**

## STIPULATION AND TOLLING AGREEMENT

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs RASHEEN SCOTT and JACOB WILLIAMS, Individually, and on Behalf of All Other Persons Similarly Situated ("Plaintiff") and Defendants SAME DAY DELIVERY INC., ROCCO VINCENT D'AMASSANDRO, SCOTT WEINSTEIN, and STEVE PILAVIN (together "Same Day Defendants"), through their undersigned attorneys, that the Same Day Defendants' time to answer, move, or otherwise respond to the Complaint in this matter shall be extended for 30 days from May 25, 2007 to and including June 24, 2007 and that Defendants waive any defense based on improper or defective service of process.

IT IS FURTHER STIPULATED AND AGREED, by and between Plaintiff and the Same Day Defendants, through their undersigned attorneys who state that they have been authorized to enter this Stipulation And Tolling Agreement, that the statute of limitations period for alleged violations of the Fair Labor Standard Act ("FLSA") set forth in the Complaint by individuals purporting to be similarly situated to Plaintiffs who may Opt-In to the collective action shall hereby


be deemed tolled for the period of 30 days beginning , May 25, 2007 and ending June 24, 2007 (the Tolling Period”) and that such Tolling Period will be extended until the date that an answer is filed by the Same Day Defendants, if it is not filed on or before June 24, 2007.

DATED: MAY 15, 2007



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SO ORDERED THIS  
DAY OF       , 2007.

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U.S.D.J.